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FISCAL IMPACT REPORT

ORIGINAL DATE 1/23/2006

SPONSOR Martinez LAST UPDATED HB 0122

SHORT TITLE Change Interlock Device Fund Administration SB

ANALYST McOlash

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
0.0	0.0		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Finance and Administration (DFA)

Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

House Bill 122 amends Section 66-8-102.3 NMSA 1978 to change the responsibility for the administration of the Interlock Device Fund from the Local Government Division (LGD) of the Department of Finance and Administration to the Traffic Safety Bureau (TSB) of the Department of Transportation (DOT).

House Bill 122 does not contain an appropriation. The bill has an emergency clause.

FISCAL IMPLICATIONS

DFA indicates there will be an insignificant impact on revenues.

SIGNIFICANT ISSUES

All duties and responsibilities related to the administration of this fund are transferred from the Local Government Division (LGD) of DFA to the Traffic Safety Bureau (TSB) of the Department of Transportation. TSB will receive the 5% administration fee. TSB will determine by rule the amount of the fee imposed on those convicted of DWI. They will distribute the fees imposed

to the interlock device fund. The money in the fund will be appropriated to TSB to cover the costs of installing and removing and one-half the cost of leasing ignition interlock devices for indigent people.

HB 122 also provides that the indigent fee will not be imposed on any person determined to be indigent by the court.

The bill changes the required remittance period for fees collected by vendors to a quarterly basis from the monthly basis in the original law.

OTHER SUBSTANTIVE ISSUES

Under current legislation, TSB regulates the ignition interlock manufacturers, service providers and the Ignition Interlock Program. LGD administers the Interlock Device Fund. Placement of these functions in two different departments complicates administration for the two departments, creates confusion for the public and vendors and creates problems when vendors responsible for collecting and remitting fees as required in the legislation. HB 122 moves the administration of the Interlock Device Fund to TSB.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If HB 122 is not enacted, the Ignition Interlock Program and the Interlock Device Fund will remain difficult and costly to administer for the agencies and the vendors.

BMC/mt